

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of July 26, 2006 - approved 8/22/06

Members Present: Acting Chairperson Harry Balz, Gail Sirrine, Dan Smith, Jason Hill

Absent: Priscilla Remington, Curt Castner

Others Present: Counsel to Boards Mike Hill, Zoning Officer Gary McMeekin,

Guests Present: Tracy & Blanche Shimer, Jeff Provost, John MacMillen, Valerine & Jon Olin, Teri Scherlien, Cindy Mead.

Public Hearings:

2006-29 Tax Map 72.13-2-50 Tricia Shimer seeking an Area Variance from shoreline and sideyard setback to maintain current 12' x 14' deck on parcel located at 7070 State Rte 8. Harry Balz stated that he inquired with the NYSDOT and the Town Highway Superintendent as to the owner and maintenance of the culvert located on this parcel, and neither the Town or the State owns said culvert which concludes that the property owner owns and maintain said culvert. Harry Balz then stated that the ZBA received two (2) letters in favor of the applicant leaving the deck in place. Being no further comments or questions Dan Smith made a motion to close the public hearing, 2nd by Jason. All Ayes.

2006-25 Tax Map 39.13-2-15 Niska Beach Association seeking an Area Variance from square footage and length requirements to build a new dock system for 12 boat slips with 856 sq. ft of surface area, 82 ft in length. Jeff Provost representing the applicant stated that there are people in the Association that do not have a dock and they would like to expand. Lengthy discussion ensued regarding the depth of the water and the ability to place two (2) more boats where ten (10) slips now exist. Warren Co stated No County Impact. Mike Hill stated that this item was to be referred to the Town Planning Board but inadvertently left off of their agenda advising this board to leave the public hearing open, refer this to the Planning Board for next month's meeting. Harry Balz made a motion to continue the public hearing, refer this to the Town Planning Board, 2nd by Dan Smith. All Ayes.

2006-28 Tax Map 39.17-1-10 Stan and Lorraine Rusak seeking an Area Variance from shoreline and road setback to build a single family dwelling on parcel located at 7809 State Rte 8. John MacMillen, representing the applicant stated that his customer would like to replace the small cabin with a single family dwelling. Warren County Planning Board stated No County Impact. Dan Smith inquired about the septic and the ability to conform to the Town's Regulations. Being no further comments or questions, Jason Hill made a motion to close the public hearing, 2nd by Dan Smith. All Ayes

2006-30 Tax Map 20.-1-54 Larry and Claudia Wood seeking an Area Variance from density and road frontage for a 4 lot subdivision located on 326 Johnson Rd. Claudia and Larry Wood explained the project stating that they have formal commitments from neighbors Carr and Brown to purchase and merge parcels. Warren County Planning Board stated No County Impact. Being no further comments or questions, Dan Smith made a motion to close the public hearing, 2nd by Jason Hill. All Ayes

The Regular meeting of the ZBA was called to order by Acting Chairperson Harry Balz. Motion to accept minutes was made by Dan Smith, 2nd by Jason Hill. All Ayes.

UNFINISHED BUSINESS:

2005-56 Tax Map 36.15-1-12.1 Erling Asheim seeking area variance from road frontage to subdivide parcel located on East Shore Dr. - Information was received from applicant's representative stating that the applicant withdrawing his application at this time.

2006-29 Tax Map 72.13-2-50 Tricia Shimer seeking an Area Variance from shoreline and sideyard setback to maintain current 12' x 14' deck on parcel located at 7070 State Rte 8. Dan Smith stated that he feels that the culvert is not an issue but the distance of the deck from the lake and the feasible alternatives to the applicant. Gail Sirrine added that this is a 100% variance request. Gary McMeekin stated that a patio "at grade" would be permitted. Tricia Shimer stated that she did not know until tonight who owned and maintained the culvert and that it could not be removed as it is the drainage from Grassville Rd. Short discussion ensued regarding alternatives. Dan Smith stated that this is an extreme variance request. Dan Smith made a motion to deny the variance based on the alternatives available to the applicant, the request is substantial, and although there is no undesirable change to the character of the neighborhood and the deck will not have any adverse environmental effects there are alternatives and building the deck without permits was self created hardship, 2nd by Jason Hill. The board was polled. Dan Smith Aye Jason Hill Aye Gail Sirrine Aye Harry Balz abstained. The motion was passed by majority vote.

2006-28 Tax Map 39.17-1-10 Stan and Lorraine Rusak seeking an Area Variance from shoreline and road setback to build a single family dwelling on parcel located at 7809 State Rte 8. Discussion regarding Section 15.40 ensued. John MacMillen representing the applicant stated that this project meets current APA criteria as the new home 78' x 48' will not be closer to the lake than the cabin of 32' x 26' as it exists today, requesting a 30' shoreline setback and a 5' roadway setback variance. Lengthy discussion ensued regarding the placement of the new septic system. Jason Hill made a motion to approve the variance as there is no undesirable change to the character of the neighborhood as there are several home in the area in the same situation, the benefits can not be achieved by other means, no adverse impact on the environment and this was not self created, 2nd by Gail Sirrine. The board was polled. Jason Hill Aye Gail Sirrine Aye Harry Balz Ayes Dan Smith Opposed . The motion was passed by majority vote.

2006-30 Tax Map 20.-1-54 Larry and Claudia Wood seeking an Area Variance from density and road frontage for a 4 lot subdivision located on 326 Johnson Rd. Dan Smith stated that the layout of the lots make sense but would like any approval be contingent upon the conveyance and merger of the non-conforming adjacent lots. The applicant was in agreement. The applicants stated that there will be no buildings added to the remaining 100 acre parcel. SEQRA form was reviewed by the board. Jason made a motion to declare a negative declaration, 2nd by Dan Smith. All Ayes. Dan Smith made a motion to approve the five (5) variance requests for 1) Lot A 5.2 acres (density) 2) Lot D 5.0 acre (density) 3) Lot A 291' of roadway frontage 4) Lot B 137' of roadway frontage and 5) Lot D 90' of roadway frontage, as there is no undesirable change to the character of the neighborhood or a detriment to nearby properties, the benefits sought cannot be achieved by another method, the requested variances are not substantial, the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood and will improve the neighborhood and the alleged difficulty was not self created, adding that the approval be conditional upon Lot A be conveyed and merged with Tax Map 20.-1-57 (lands n/f of Carr) and Lot D be conveyed and merged with Tax Map 20.-1-58.1 & 20.-1-58.2 (lands n/f of Brown), 2nd by Jason Hill. All Ayes.

2006-27 Tax Map 3612-1-15 36.12-1-63 Blue Sky Estates Association and Hoffman seeking an Area Variance to convey the adjoining owners driveway located on 44 Lakeview Dr. At the boards request the authorization form was received and the dimensions of the Hoffman lot have been submitted. Cliff Bouchard,

representing Blue Sky Association stated that they are requesting a .839 acre variance. Gail Sirrine made a motion to deem the application complete, schedule a public hearing not referring this to the Warren Co. Planning Board or the Town Planning Board., 2nd by Dan Smith. All Ayes.

NEW BUSINESS:

2006-32 Tax Map 55.7-1-3 Cindy Mead seeking an Area Variance from shoreline setback for a 8' x 12' shed on parcel located at 888 Palisades Rd. Discussion ensued regarding amount of the variance request. Jason made a motion to deem the application complete, schedule a public hearing, refer this to the Warren County Planning Board, not referring this to the Town Planning Board, 2nd by Dan Smith. All Ayes.

2006-33 Tax Map 88.7-1-4 Richard Blum seeking an Area Variance from roadway setback to build a 12' x 14' shed on parcel located at 17 New St. The applicant stated that he would like to remove the trailer in the next year or two. After a brief discussion, Dan Smith made a motion to deem the application complete, schedule a public hearing refer this to the Warren County Planning Board, not referring this to the Town Planning Board, 2nd by Jason Hill. All Ayes

2006-34 Tax Map 39.17-1-15 Betty Marriott seeking an Area Variance from shoreline setback to build a deck on parcel located at 7822 State Rte. 8. After a brief discussion, Jason Hill made a motion to deem the application complete, schedule a public hearing, refer this to the Warren County Planning Board, not referring this to the Town Planning Board, 2nd by Dan Smith. All Ayes

Jason Hill recused himself as he is the proposed purchaser of the Wilson property.

2006-35 Tax Map 88.10-1-54 Mark Wilson seeking an Area Variance from sideyard setback for garage and shop on parcel located a 6504 State Rte 8. The applicant stated that a survey had been done indicating that the structures were closer to the property lines than originally thought. Harry Balz stated that he feels this is an administrative technicality and would like to see a survey of the parcel. Dan Smith made a motion to deem the application complete, schedule a public hearing, refer this to the Warren County Planning Board, not referring this to the Town Planning Board, 2nd by Gail Sirrine. All Ayes

Jason Hill returned to the board

2006-36 Tax Map 39.17-1-6 Linda and Michael Whitehead seeking an Area Variance from shoreline setback for a deck on parcel located at 7787 State Rte. 8. Gary McMeekin stated the applicant expanded the deck five (5) feet closer to the water, presenting photos he took and photos submitted by the applicant. After a brief discussion Gail Sirrine made a motion to deem the application complete, schedule a public hearing, refer this to the Warren County Planning Board, not referring this to the Town Planning Board, requesting the applicant to submit a survey of the parcel, 2nd by Dan Smith. All Ayes

Board Privilege:

Harry Balz stated that he would like to see scaled drawings submitted with each application and will write a memo to the Town Board.

There being no further business before the board, Acting Chairperson, Harry Balz adjourned the meeting at

10:25 PM

Respectfully Submitted.

Christine Smith-Hayes, Secretary